

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN SAINTE,

Plaintiff,

-against-

COMPLAINT

Jury Trial Demanded

Detective ANTHONY BONILLA; Detective
MANUEL RODRIGUEZ; and JOHN and JANE
DOE 1 through 10, individually and in their official
capacities (the names John and Jane Doe being
fictitious, as the true names are presently unknown),

Defendants.

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NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

PARTIES

6. Plaintiff Kevin Sainte (“plaintiff” or “Mr. Sainte”) is a resident of Kings County in the City and State of New York.

7. Defendant Detective Anthony Bonilla, (“Bonilla”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Bonilla is sued in his individual and official capacities.

8. Defendant Detective Manuel Rodriguez, (“Rodriguez”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Rodriguez is sued in his individual and official capacities.

9. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

10. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of the City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

11. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

12. At approximately 7:30 p.m. on November 29, 2013, Mr. Sainte was lawfully walking in the vicinity of Avenue N between East 48th and 49th Streets in Brooklyn, New York.

13. Without probable cause or reasonable suspicion to believe he had committed any crime or offense, defendants stopped Mr. Sainte and demanded his identification.

14. Mr. Sainte complied and provided valid identification.

15. Defendants then grabbed Mr. Sainte by his arm and searched him.

16. No contraband was ever recovered from plaintiff.

17. Notwithstanding, defendants handcuffed Mr. Sainte and took him to the 63rd Precinct.

18. Once at the Precinct, Mr. Sainte, who suffers from a serious medical condition, advised defendants of his condition and asked for medical treatment.

19. Defendants refused to obtain treatment for Mr. Sainte.

20. The officers then falsely informed employees of the Kings County District Attorney's Office that they had observed plaintiff commit a crime.

21. At no point did the officers ever observe plaintiff commit any crime.

22. Mr. Sainte was taken to Brooklyn Central Booking but was released without ever seeing a judge after approximately twenty-four hours in custody.

23. Mr. Sainte returned to the 63rd Precinct thereafter and attempted to retrieve his property, but defendants refused to return it to him.

24. Plaintiff suffered damage as a result of defendants' actions. Plaintiff was deprived of his liberty, suffered emotional distress, mental anguish, fear, pain, anxiety, embarrassment, humiliation, and damage to his reputation.

FIRST CLAIM
Unlawful Stop and Search

25. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

26. Defendants violated the Fourth and Fourteenth Amendments because they stopped and searched plaintiff without reasonable suspicion.

27. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages herein before alleged.

SECOND CLAIM
False Arrest

28. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

29. Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiff without probable cause.

30. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

THIRD CLAIM
Deliberate Indifference to Medical Needs

31. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

32. The individual defendants were aware of a risk to plaintiff's need for medical care and failed to act in deliberate indifference to plaintiff's needs.

33. Accordingly, defendants violated the Fourteenth Amendment because they acted with deliberate indifference to plaintiff's medical needs.

34. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

FOURTH CLAIM
Failure To Intervene

35. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

36. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

37. Accordingly, the defendants who failed to intervene violated the Fourth, and Fourteenth Amendments.

38. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

DATED: December 2, 2013
New York, New York

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